

## **Section 3: After a Disaster Occurs**



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## The Declaration Process

In spite of increasingly effective hazard mitigation, natural disasters will still cause losses. When the recovery process is beyond the capability of the State and local emergency management agencies, Federal assistance can provide both relief and opportunity.

Presidential declaration of a major disaster may now trigger the availability of Hazard Mitigation Grant Program funds in every county within the State, instead of only those designated for Individual or Public Assistance.

The Governor may request that all counties be designated eligible for HMGP funds when he or she requests a major declaration by the President through the Regional Director.

The process of requesting that FEMA designate areas for disaster assistance is detailed in 44 CFR 206.40.



## Letter of Intent

Regulations require the State to provide a Letter of Intent within 60 days after a disaster declaration that tells FEMA whether or not the State will participate in the HMGP. This requirement is satisfied if the Governor asks for the HMGP in the declaration request.

The Regional Director is also authorized to extend the 60-day Letter of Intent deadline if he or she determines the extension is justified. The State should request such an extension in writing.



Job Aid 3-1 contains a sample Letter of Intent for your reference.

## State Responsibilities

The State has primary responsibility for project management and accountability of funds. The State is responsible for ensuring that applicants and subgrantees adhere to all program and administrative requirements.

The State should envision the HMGP as an opportunity to fund the implementation of the State Hazard Mitigation Plan.

After indicating that it will participate in the Hazard Mitigation Grant Program, the State should ensure that:

### Approved Plans

- The Regional Director has approved the State's Hazard Mitigation Plan documenting its comprehensive mitigation planning process;
- The Regional Director has approved the State's administrative plan for implementing the HMGP;

### State Hazard Mitigation Officer

- The State has appointed a State Hazard Mitigation Officer who will administer the HMGP during the time of its availability;

(Experience shows that a full-time, permanent State Hazard Mitigation Officer is better able to implement a successful post-disaster mitigation program.)

<b>Sufficient Staff</b>	<ul style="list-style-type: none"><li>▪ The State has staff qualified to:<ul style="list-style-type: none"><li>• Update their mitigation plan with a post-disaster mitigation strategy;</li><li>• Provide applicants with technical assistance on sound mitigation techniques and HMGP policy and procedures; and</li><li>• Understand the National Environmental Policy Act and related Federal environmental requirements, and perform required analyses if necessary.</li></ul></li></ul>
<b>Key State Activities</b>	<p>Once the program is underway, key State activities include:</p> <ul style="list-style-type: none"><li>▪ Soliciting program interest and helping potential applicants to develop complete applications;</li><li>▪ Reviewing and selecting grant proposals from eligible applicants;</li><li>▪ Preparing and submitting applications to FEMA;</li><li>▪ Notifying applicants of FEMA decisions on submitted projects; and</li><li>▪ Submitting quarterly financial and progress reports to FEMA indicating the status and completion date for each approved project.</li></ul>
<b>Managing States</b>	<p>In an effort to streamline the HMGP and provide States more flexibility, FEMA is examining the roles and responsibilities for HMGP administration. FEMA has proposed a Managing State arrangement for those States that have the capability and would like to assume a stronger management role in the HMGP.</p> <p>Under a Managing State arrangement, FEMA will accept the State's eligibility and benefit-cost determinations made in accordance with the terms in a Memorandum of Understanding. This includes a list of eligible project types that the State and FEMA negotiated prior to signing the Memorandum. Although States will be encouraged to prepare environmental documentation for each project, a FEMA official must sign and approve the documentation, as such authority cannot be delegated to a State in accordance with the National Environmental Policy Act.</p> <p>The State then submits a project summary sheet to FEMA for each project. FEMA's review of project summary sheets, rather than the entire application packet, should significantly expedite the project approval process.</p>
<b>Sufficient Staff for Managing States</b>	<p>The managing State has staff qualified to perform the tasks above, <i>as well as</i>:</p> <ul style="list-style-type: none"><li>▪ Conduct eligibility reviews;</li><li>▪ Conduct and review benefit-cost analyses using FEMA-approved methodology; and</li><li>▪ Develop documentation to comply with environmental requirements for FEMA approval.</li></ul>

**Key Managing  
State  
Activities**

Key responsibilities of the managing State include:

- Soliciting program interest and helping potential applicants to develop complete applications;
- Reviewing and selecting grant proposals from eligible applicants;
- Ensuring eligibility of submitted applications;
- Conducting benefit-cost analyses to determine whether the project meets the criteria listed in 44 CFR 206.434(b)(5);
- Developing documentation to comply with the environmental requirements for FEMA approval;
- Dispersing funds to applicants after the State has determined a project meets program eligibility requirements, including cost-effectiveness, per FEMA guidance and FEMA has approved the required environmental documentation;
- Administering the HMGP consistent with program law, regulations, and policy guidance;
- Providing quarterly performance and financial reports to FEMA; and
- Approving all funding to applicants within 24 months of the disaster declaration or returning uncommitted funds to the general fund.

A chart of State responsibilities is provided in Job Aid 3-2.

Job Aid 3-3 illustrates the required State activities, timeframes, and authorizing document(s).



**Job Aid 3-2  
and 3-3**

**Applicant/  
Subgrantee  
Responsibilities**

Applicants are responsible for submitting complete, accurate project applications to the State. An applicant becomes a subgrantee if the proposed measure is selected as an approved project. The subgrantee, then, is responsible for:

- Managing the implementation of the approved project;
- Complying with HMGP requirements, grants management procedures in 44 CFR Part 13, the grant agreement, and applicable Federal, State, and local laws and standards;
- Accounting for the appropriate use of grant funds to the grantee State; and
- Maintaining records on the program and projects as required by 44 CFR 13.42.



**44 CFR Part 13  
44 CR 13.42**

## **Federal Responsi- bilities**

The paragraphs below list some of the key responsibilities of FEMA personnel regarding HMGP.

### ***Regional Director Responsi- bilities***

The FEMA Regional Director is responsible for:

- Overseeing and managing the HMGP;
- Assisting the State in setting priorities for the use of HMGP funds in the aftermath of a disaster; and
- Approving or denying applications for funding by the State.

### ***Regional Mitigation Staff Responsi- bilities***

The FEMA regional Mitigation staff serves as the point of contact for the State Hazard Mitigation Officer. FEMA regional Mitigation staff members are responsible for:

- Keeping the State apprised of the anticipated amount of available funding;
- Reviewing and evaluating submitted applications or project summaries and States' determinations of eligibility;
- Coordinating with the Regional Environmental Officers to prepare the environmental decision document based on information submitted by the applicant and State;
- Notifying the State in writing of application decisions;
- Providing technical assistance to States, applicants, and subgrantees in order to ensure effective and efficient implementation of the program, including:
  - Assisting with the identification of appropriate projects;
  - Assisting with project applications, specifically environmental and floodplain management considerations and project cost-effectiveness; and
  - Providing technical information from appropriate experts, as necessary;
- Reviewing the State's quarterly reports and following up on issues as necessary.

## **Native American Tribe Grantee Authority**

A Native American tribe or tribal organization has the option to submit applications directly to the Regional Director. If a tribe would like to act as grantee, it should notify FEMA as soon as possible after the disaster declaration. Upon project approval, the Native American tribe becomes the grantee and designates an equivalent to the Governor's Authorized Representative.

FEMA will then estimate the amount of HMGP Funding available to the tribe based on the amount of other disaster grants provided to the tribe.



Job Aid 3-1

### *Sample Letter of Intent*

*Governor's Authorized Representative for \_\_\_\_\_ (State) \_\_\_\_\_  
Division of Disaster Emergency Services*

FCO, FEMA Region \_\_\_\_\_  
xxx Main Street  
Anywhere, USA XXXXX

This letter is to notify you that \_\_\_\_\_ (State) \_\_\_\_\_ intends to participate in the Hazard Mitigation Grant Program, which is available subsequent to the Federal disaster declaration, FEMA- \_\_\_\_\_ -DR- \_\_\_\_\_ on \_\_\_\_\_ (date) \_\_\_\_\_ .

I have designated \_\_\_\_\_ (name) \_\_\_\_\_ as the Hazard Mitigation Officer for the Hazard Mitigation Grant Program. If you should have any questions concerning the State's participation, please contact \_\_\_\_\_ (name) \_\_\_\_\_ at \_\_\_\_\_ (phone) \_\_\_\_\_ .

Sincerely,

\_\_\_\_\_  
GAR



Job Aid 3-1



Job Aid 3-2

### Sample Responsibilities for HMGP

Responsibilities for States under HMGP are shown in the table below, along with the tasks associated with each responsibility. Use this information as a guide for developing your State's capabilities.

RESPONSIBILITY	TASKS
Manage the program	<p>Setting program priorities:</p> <ul style="list-style-type: none"> <li>✓ Indicating the program priorities in its State mitigation plan.</li> </ul> <p>Selecting applications to be funded:</p> <ul style="list-style-type: none"> <li>✓ Maintaining an interagency, interdisciplinary coordination mechanism, such as a State team.</li> </ul> <p>Determining eligibility:</p> <ul style="list-style-type: none"> <li>✓ Determining whether the proposed project is consistent with the program purpose and objectives.</li> <li>✓ Conducting benefit-cost analyses to determine whether the project meets the criteria listed in 44 CFR 206.434(b)(5).</li> <li>✓ Recommending to FEMA the level of environmental analysis required under 44 CFR Part 10.</li> <li>✓ Coordinating with FEMA to conduct environmental analyses.</li> <li>✓ Assisting FEMA in determining whether significant environmental impacts exist and, if so, how they might be avoided or reduced.</li> </ul>
Provide technical assistance to applicants	<ul style="list-style-type: none"> <li>✓ Assisting in identifying potential mitigation projects.</li> <li>✓ Assisting in identifying experts.</li> <li>✓ Providing expertise in identifying and analyzing environmental issues and requirements.</li> <li>✓ Assisting subgrantees in performing benefit-cost analyses using FEMA-approved methodology.</li> </ul>



Job Aid 3-2





Job Aid 3-2

**Sample Responsibilities for HMGP (Continued)**

<b>RESPONSIBILITY</b>	<b>TASKS</b>
Provide quarterly performance and financial reports	<p>Managing the day-to-day operations of grant- and subgrant-supported activities:</p> <ul style="list-style-type: none"> <li>✓ Comparing actual accomplishments to the objectives to be accomplished for the period.</li> <li>✓ Explaining the reason for slippage if the established objectives were not met.</li> <li>✓ Providing additional pertinent information as appropriate.</li> <li>✓ Informing FEMA of problems, delays, or adverse conditions that will materially impair the grantee's or subgrantee's ability to meet the project objectives.</li> <li>✓ Monitoring subgrantee implementation.</li> </ul> <p>Preparing and submitting financial reports:</p> <ul style="list-style-type: none"> <li>✓ Preparing SF 269, SF 269A, or FEMA Form 20-10 and submitting the form to FEMA no later than 15 working days following the end of each quarter.</li> <li>✓ Preparing and submitting SF 270 or SF 271, as necessary, to report outlays and/or request reimbursements.</li> </ul>
Closeout	<ul style="list-style-type: none"> <li>✓ Reconciling/adjusting project costs.</li> <li>✓ Submitting final project report.</li> <li>✓ Visiting site.</li> <li>✓ Closing projects in program and financial systems.</li> </ul>
Maintain records	<ul style="list-style-type: none"> <li>✓ Coordinating records retention with participating grantee agencies and subgrantees as necessary.</li> <li>✓ Retaining records for 3 years from the date of submission of the final expenditure report.</li> </ul>



Job Aid 3-2



Job Aid 3-3

### Authorities for State Activities Under the HMGP

The table below includes major tasks and activities required under the Hazard Mitigation Grant Program and authorizing document(s) for each requirement. When a timeframe is critical to task performance, it is included also.

<b>TASK/ACTIVITY</b>	<b>APPROXIMATE TIMEFRAME*</b>	<b>AUTHORIZATION</b>
1. Appoint State Hazard Mitigation Officer	Pre-disaster	44 CFR 206.433(c)
2. Participate in the HM field survey	3–10 days	44 CFR 206.402(c)(3)
3. Coordinate with local jurisdictions regarding local HM Plans	15–20 days	44 CFR 206.402(c)(5)
4. Submit HMGP Administrative Plan	Preferably pre-disaster; prior to project approval	44 CFR 206.437
5. Submit application packages to prospective applicants	1–90 days	44 CFR 206.436
6. Conduct and review benefit-cost analyses using FEMA-approved methodology	30–180 days	Managing State guidance
7. Develop documentation to comply with environmental requirements for FEMA approval	30–180 days	Managing State guidance
8. Review, evaluate, and rank HMGP project proposals	30–180 days	44 CFR 206.435
9. Submit Hazard Mitigation Plan.	Preferably pre-disaster; 180 days	44 CFR 206.405(d)
10. Submit SF 424 application and project applications or summaries to FEMA for review and approval	30–270 days	44 CFR 206.436 OMB Circular A-102 1.c.1 44 CFR 13.10(a)(2)

\*Following declaration

Note: These timeframes are approximate and do not account for exceptions to regulatory deadlines, which might lengthen the timeline.



Job Aid 3-3



Job Aid 3-3

**Authorities for State Activities Under the HMGP (Continued)**

<b>TASK/ACTIVITY</b>	<b>APPROXIMATE TIMEFRAME*</b>	<b>AUTHORIZATION</b>
11. Disperse funds to applicants after the State has determined a project meets program eligibility requirements, including cost effectiveness, per FEMA guidance and FEMA has approved the required environmental documentation	30–270 days	Managing State guidance
12. Evaluate and monitor project implementation and completion according to schedule in grant agreement	Ongoing	44 CFR 13.40 44 CFR 206.438
13. Administer the HMGP consistent with program law, regulations, and policy guidance	Ongoing	Managing State guidance
14. Approve all funding to applicants within 24 months of the disaster declaration or return uncommitted funds to the general fund	24 months	Managing State guidance
15. Prepare and submit financial status reports	Quarterly	OMB Circular A-102 2.c 44 CFR 13.20(b)(1) 44 CFR 13.41(b) 44 CFR 13.41(c)
16. Prepare and submit performance reports	Quarterly	44 CFR 206.438(c)
17. Perform HMGP closeout	When all required work is complete; usually 2 years or less	OMB Circular A-102 3 44 CFR 13.50
18. Retain records	3 years from date of final submission	44 CFR 13.36(1)(11) 44 CFR 13.42(b) 44 CFR 13.42(c)

\*Following declaration

Note: These timeframes are approximate and do not account for exceptions to regulatory deadlines, which might lengthen the timeline.



Job Aid 3-3